

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

OHOHSHECHA DEFOE,

Civil No. 09-1925 ADM/AJB

Petitioner,

v.

O R D E R

JOAN FABIAN, Comm. Of Corr.,
LORI SWANSON, Att. Gen., and
STATE OF MINNESOTA,

Respondents.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Arthur J. Boylan dated August 24, 2009, all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254, (Docket No. 1), is DENIED;
2. Petitioner's application to proceed in forma pauperis, (Docket Nos. 2 and 5), is DENIED;
3. Petitioner's motion for appointment of counsel, (Docket No. 3), is DENIED;
4. Petitioner's motion "to enter in petition for Writ of Habeas Corpus w/ Appendix." (Docket No. 4), is DENIED; and
5. This action is DISMISSED WITHOUT PREJUDICE.

DATED: September 18, 2009.

s/Ann D. Montgomery

Judge Ann D. Montgomery
U. S. District Court